For ~~10324.13~~ b Cover

Dr. Allibone:

With the highest regards.

Of G.H.W.

New York: Feb. 1884.

For the Harvard College Library.
S. Austin Allibone. June 1886.

# NOTES

ON THE

# HISTORY OF WITCHCRAFT IN MASSACHUSETTS;

WITH

# ILLUSTRATIVE DOCUMENTS.

Lenox Library:
New York: June 28. 1886.

My dear Winsor:

I send you by this day's mail Dr. Allibone's copy of my "Notes," &c. — which he has kindly turned over to the College. Please acknowledge receipt to him.

I spoke to another friend of mine, who has a copy, and suggested his sending it to the College. If you should receive it, please to let me know, and oblige

Yours faithfully,

Justin Winsor, Esq.

Geo: H: Moore

# NOTES

ON THE

# HISTORY OF WITCHCRAFT IN MASSACHUSETTS;

WITH

## ILLUSTRATIVE DOCUMENTS.

FROM PROCEEDINGS AT THE ANNUAL MEETING OF THE AMERICAN ANTIQUARIAN SOCIETY,
OCTOBER 21, 1882.

BY

GEORGE H. MOORE.

---

WORCESTER, MASS., U. S. A.
PRINTED BY CHARLES HAMILTON,
No 311 MAIN STREET.
1883.

~~10324.13~~ b
US12750.57

Dr S. Austin Allibone,
New York.

# NOTES.

I DESIRE to call attention to certain errors in the current history of Witchcraft in Massachusetts, and must ask your indulgence for my inability to make these dry bones live in more pleasing forms.

The first errors I note are in the statements—that there was no colonial or provincial law against witchcraft in force at the time of the witchcraft proceedings in 1692, in Massachusetts—that the prosecutions took place entirely under English law, that law being the statute of James I.—and that witchcraft was not a criminal offence at common law. It is probable that these errors may be traced mainly to Hutchinson, whose statements I quote. It should be remembered that Hutchinson was not originally bred to the profession of the law.

He says (vol. ii., page 52): "At the first trial there was no colony or provincial law against witchcraft in force. The statute of James the first must therefore have been considered in force in the provinces, witchcraft not being an offence at common law. Before the adjournment the old colony law, which makes witchcraft a capital offence, was revived, with the other local laws, as they were called, and made a law of the province." Again (p. 59), "The general court also showed their zeal against witchcraft by a law passed in the words of the statute of James the first, * * * * If the court was of opinion that the statute extended here, I see no necessity of a provincial act exactly in the same words; if the statute did not extend here, I know not by what law the first that was tried could be sentenced to death."

With reference to the same period, and the same proceedings, George Chalmers said: "What reflects disgrace on the province, it was then doubtful, but is now certain, that there existed no law in Massachusetts for putting supposed witches to death." *Cont. Polit. Ann.: Coll. N. Y. Hist. Soc.* 1868: p. 111.

Hutchinson was a loyal son of Massachusetts, but Chalmers felt pleasure in this severe and unjust reflection upon the people of that province. From the earliest period there had never been any lack of law against witchcraft in England. Blackstone found the "antient books" of the law full of this "offence against God and religion." He

adds "the civil law punishes with death not only the sorcerers themselves, but also those who consult them, imitating in the former the express law of God, 'thou shalt not suffer a witch to live.' And our own laws, both before and since the conquest, have been equally penal; ranking this crime in the same class with heresy, and condemning both to the flames." *Comm.* iv., 60.

I suppose Hutchinson's error arose in part from the following passage in Hale's History of the Pleas of the Crown: "If a man either by working upon the fancy of another, or possibly by harsh or unkind usage puts another into such a passion of grief or fear, that the party either dies suddenly, or contracts some disease, whereof he dies, tho' as the circumstances of the case may be, this may be murder or manslaughter in the sight of God, yet *in foro humano* it cannot come under the judgment of Felony, because no external act of violence was offered whereof the common law can take notice, and secret things belong to God; and hence it was, that before the statute of 1 *Jac. Cap.* 12, witchcraft or fascination was not felony, because it wanted a trial, though some constitutions of the civil law make it penal." *Hist. P. C., Cap.* 33, *I.* 429.

*See Barrington's* reference to this: *Observations on the Statutes*, p. 528, "Hist. P. C., iv., 429," in which he explains that the proof of allegations of witchcraft is "attended with infinite difficulty. Lord C. J. Hale for this reason informs us that 1 James I., Cap. 12 (which makes it felony to kill any person by the invocation of an evil spirit), was occasioned by there being no external appearance of violence which might make it criminal by the common law, though the offence was punished with death by the Romans."

"Plato saith well the strongest of all authorities is, if a man can allege the authority of his adversary against himself." Bacon: *Case of the Post Nati.* We have the authority of Lord Chief Justice Coke and Chief Justice Hale himself for the statement that witchcraft, as a capital offence immediately against the Divine Majesty, at common law, was punished with death, as heresy. Coke: 3 *Inst.*, Cap. vi. Hale: *P. C.*, pp. 3, 6.

The declaration of heresy, and likewise the proceedings and judgment upon hereticks, were by the common law of the realm referred to the ecclesiastical jurisdiction, and the secular arm was reached to them by the common law, and not by any statute for the execution of them which was by the King's writ *de haeretico comburendo. Bacon's Cases of Treason:* Chap. xiii. *Harl. Misc.* v. 20.

Before the statute 2 Henry IV., Cap. 15, no person could be convicted of heresy, but by the archbishop, and all the clergy of the province; but, by that statute, any particular bishop might in his diocese convict of heresy, and issue forth his precept to the sheriff, to burn the person he had convicted, a law whereby the clergy gained a dominion over the lives of the subjects, independent upon the crown. It was repealed by

the statute 25 Henry VIII., Cap. 14. But so as particular bishops might still convict; though without the king's writ *de haeretico comburendo*, first obtained, no person convicted could be put to death, and so the law stood until . . . [1677.] *Harleian Misc.* viii. 70.

"Under the general name of *heresy* there hath been in ordinary speech comprehended three sorts of crimes: 1. *Apostacy*. . . . 2. *Witchcraft, Sortilegium*, was by the antient laws of England of ecclesiastical cognizance and upon conviction thereof without abjuration, or relapse without abjuration, was punishable with death by writ *de haeretico comburendo, vide Co. P. C.*, Cap. 6, *et libros ibi; Extr' de haereticis* Cap. 8, § 5, *n.* 6. 3. *Formal heresy* . . ." Hale: P. C. i. 383. *Hawkins, P. C. Cap. III.* 2. All these [including those guilty of witchcraft] were anciently punished in the same manner as hereticks, by the writ *de haeretico comburendo*, after a sentence in the ecclesiastical court and a relapse. And it is said also that they might be condemned to the pillory, &c., upon an indictment at common law. 3 *Inst.* 44, *F. N. B.* 269. *S. P. C.* 38. *Croke, Eliz.* 571.

Fitzherbert, in his *Natura Brevium*, says in a note: "It appeareth by *Britton* in his book, that those persons shall be burnt who feloniously burn other's corn, or other's houses, and *also those who are sorcerers or sorceresses;* and sodomites and heretics shall be burnt: and it appeared by that book, lib. I., cap. 17, that *such was the common law.*" *Natura Brevium*, 269.

A reference to Britton amply sustains this ancient oracle of the common law: "Let inquiry also be made of those who feloniously in time of peace have burnt others' corn or houses, and those who are attainted thereof shall be burnt, so that they may be punished in like manner as they have offended. *The same sentence shall be passed upon sorcerers, sorceresses*, renegades, sodomites, and heretics publicly convicted." *Britton:* Lib. I., Cap. X.

The learned editor of Britton says: "It seems as to these offences, though the King's court was in general ancillary to the ecclesiastical tribunal, it sometimes acted independently." And he cites a contemporary MS. that "if the King by inquest find any person guilty of such horrible sin, he may put them to death, as a good marshall of Christendom." Compare also *Britton, lib.* 1, *cap.* xvi sect. 6, and chap. xxx. sect. 3.

I am well aware that the King's Writ did never run in Massachusetts; but Law and History alike will sustain the assertion that the Fathers of Massachusetts never failed in their duty, if they knew it, "as good marshalls of Christendom."

Four years before it was abolished by the Statute of 29 Ch. ii., there was a debate in the House of Lords concerning taking away the Writ *De haeretico comburendo*. The discussion plainly shows that it was well known as a writ in the Register, and before 2 Henry V., in which time the Statute against *Lollards* was made, and put in execution against

them and that the *writ was, before that time, a Writ at Common Law.*[1] The Bishop and Ecclesiastical Power were Judges of Heresy, who, upon condemnation of the party, delivered him up to the secular Power; and the Writ *De haeretico comburendo* was thereupon issued out. It was declared in Parliament that the writ was still in force at Common Law, and the same power in the Clergy, notwithstanding the Statute of Queen Elizabeth of the thirty-nine Articles, and the Statute of Heresy, so that if they fell into the misfortune of Catholic Governors and Clergy, as in the *Marian* days, that writ was still in force, and might be put in execution.

The Act for taking away this writ was passed four years afterwards, 29 Charles II., 1677, declaring "that the writt commonly called *Breve de heretico comburendo*, with all Processe and Proceedings thereupon in order to the executeing such writt or following or depending thereupon and all punishment by death in pursuance of any Ecclesiastical Censures be from henceforth utterly taken away and abolished."

But the abolition of the law and process for burning heretics did not finish or do away with the legal penalties for witchcraft.

It was declared felony by Statute 33, H. VIII. c. 8. [1541-2] which was repealed by the operation of the Statute 1 Edward VI., c. 12. Again declared felony by Statute 5 Elizabeth, c. 16, it was only more accurately defined by the Statute Jac. I., c. 12, by which the previous statute was also repealed. This law, which was "enacted (as Mr. Bancroft says) by a House of Commons in which Coke and Bacon were the guiding minds," continued to disgrace the English statute book until 1736. By it the Invoking or Consulting with Evil Spirits, taking up Dead Bodies, &c., for purposes of witchcraft, &c., or practising Witchcraft, &c., to the harm of others, was declared Felony without Clergy. It also imposed penalties on declaring by Witchcraft where Treasure, &c., is hidden; procuring unlawful love; or attempting to hurt Cattle or Persons: for the first offence a year's Imprisonment and Pillory; for the second, that of Felony, without Clergy.

The original Body of Liberties of the Massachusetts Colony in New England made Witchcraft a capital offence. This article follows immediately after the provision for the punishment of idolatry, which is the first article of the capital code.

"2. If any man or woman be a witch (that is hath or consulteth with a familiar spirit)[2] they shall be put to death."

It is fortified by scriptural authorities in the margin—viz: by references to Exodus 22: 18; Leviticus 20: 27; Deuteronomy 18: 10;

---

[1] Barrington says (p. 126) there is no legal argument which hath such force, in our courts of law, as those which are drawn from ancient writs; and the Registrum Brevium is therefore looked upon to be the very foundation of the common law. St. 13 Edw. I. Statute of Westminster the Second.

[2] This legal definition of a witch seems to have been adhered to throughout the examinations and proceedings at Salem in 1692.

and continued without modification through the whole period of the government under the first charter, appearing in all the editions of the laws which have been preserved.

The contemporary code, drawn up by John Cotton, printed in London in 1641, and long supposed to have been the actual "laws of New England as established," gives the same prominence to witchcraft in the chapter of crimes. After blasphemy and idolatry, comes

"3. Witchcraft which is fellowship by covenant with a familiar spirit, to be punished with death.

"4. Consulters with Witches not to be tolerated, but either to be cut off by death, or by banishment."

His authorities from Scripture are Exodus 22: 18; Leviticus 20: 27, and 19: 31.

This alternative penalty of banishment, "the consulters with witches" shared with "scandalous livers" and "revilers of religion." Those who reviled the church establishment of Massachusetts came under the latter description.

The laws of the colony of New Plymouth, in 1636, enumerated among "capitall offences lyable to death," as the third in order after treason or rebellion, and murder, "solemn compaction or conversing with the divell by way of witchcraft, conjuration or the like."

By the revision of 1671, this law appears to have been modified. The eighth section of chapter II., Capital Laws, provides that "if any *Christian (so called)* be a Witch, that is, hath, or consulteth with a familiar Spirit; he or they shall be put to death." This qualification of "Christianity" (so called) "was probably a saving clause for the Indian inhabitants of the territory within the jurisdiction of the colony. The Indians had been always regarded as worshippers of the Devil, and their Powwows as wizards.

From the date of the judgment in the King's Bench, by which the Colonial Charter was cancelled, Massachusetts was governed by a Royal Commission until, in 1689, the news of the English revolution produced an insurrection at Boston, in which the Royal Governor was deposed, and the "antient Charter" and its constitutions *de facto* resumed. During this period, the Royal Commission and Instructions established the government "according to such reasonable laws and statutes as are *now in force* or such others as shall hereafter be made and established within our territory and dominion aforesaid." And the King declared his royal will and pleasure to be "that all lawes, statutes and ordinances [therein] * * * shall continue and be in full force and vigor," excepting such as might be in conflict with the Governor's Commission and Instructions, &c.

On the 22d June, 1689, after the deposition of Andros, "at the Convention of the Governor and Council and Representatives of the Massachusetts Colony, it was declared that all the laws made by the Governor and Company of said colony that were in force on the 12th

day of May, 1686 (except any that are repugnant to the laws of England) are the laws of this colony, and continue in force till farther settlement, to which all inhabitants and residents here are to give due obedience." 3: *Hutch. Papers*, 372, in M. H. S. Lib., quoted by Gray in *Reports IX.* 517.

Under this temporary settlement of the laws, the authorities in Massachusetts did not hesitate to exercise the highest judicial powers and even to inflict capital punishment; taking the highest steps in the administration of government, by trying, condemning, and executing some notorious criminals found guilty of piracies and murder. Bradstreet to Increase Mather, 29 January, 1689. *Hutch. Papers*, 576.

Chief Justice Shaw stated very clearly the doctrine which has always prevailed: "We take it to be a well settled principle, acknowledged by all civilized states governed by law, that by means of a political revolution, by which the political organization is changed, the municipal laws, regulating their social relations, duties and rights, are not necessarily abrogated." *Commonwealth v. Chapman*, 13 *Metcalf*, 71.

Nor should it be forgotten here that the validity of the judgment against the Charter in 1684, which was decided by the House of Commons, and "questioned by very great authority in England," was never admitted in Massachusetts. 9 *Gray*, 517. As there was nothing in the repeal of the Colony Charter to affect the private rights of the colonists, 9 *Gray*, 518, so generally the rights of the inhabitants, as well as the penalties to which they might be subjected, continued to be determined by the effect and according to the form of the colonial and provincial legislation, *i. e.* the common law of Massachusetts, rather than by the ancient common law of England. 5 *Pickering*, 203. 7 *Cushing*, 76–77. 13 *Pickering*, 208. 13 *Metcalf*, 68–72.

I may be permitted also, at this point, to state a fact which (so far as I know) has escaped attention entirely in all the later discussions of this topic: that it was deemed necessary by the Legislature of this Commonwealth, to pass an act as late as the year 1824, for the repeal of a law of the Colony passed in 1660![1]

Thus far legislation under the Colony Charter. On the arrival of Phips with the Province Charter, the change which was made was scarcely perceptible, almost the same men continued in power, the

---

[1]CHAP. CLXIII.

AN ACT TO REPEAL AN ACT, ENTITLED "AN ACT AGAINST SELF-MURDER."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That an Act entitled "an Act against self-murder," passed in the year of our Lord one thousand six hundred and sixty, and providing that the bodies of persons who shall be guilty of self-murder shall be buried in some public highway, be, and the same is hereby repealed.

[Approved by the Governor, February 21st, 1824.]

laws and customs of former times remained, and the spirit of the people had undergone little alteration.

The provincial legislature met for the first time on the 8th of June, 1692. Proceedings and examinations upon charges of witchcraft had been going on for several months before; the special court of Oyer and Terminer had been organized on the 27th of May, and sat, on the 2d of June, for the trial of its first victim, whose death warrant, signed on the very day the legislature came together, was executed two days afterwards.

One of the first acts of the Great and General Court, passed on the 15th of June, 1692, was to continue all the local laws of the former governments of Massachusetts Bay and New Plymouth, being not repugnant to the laws of England, nor inconsistent with the new constitution and settlement by the Province Charter—to stand in force till November 10th, in the same year.

This was that "Greatest General Court that ever was in New England," in the early part of whose session (June 9th), Increase Mather appeared and gave an account of his doings as Agent of the Colony at London.

On the 29th of October they passed an act for the punishing of capital offenders, in which Witchcraft maintains its old position in the list of Capital Crimes, being declared to be felony, of which persons legally convicted were to be "adjudged to suffer the Pains of Death." The text is the same as that of the former law, but the scriptural authorities are omitted. The description of what constitutes a witch, furnished a legal definition of the crime. This law was subsequently disallowed in England by reason of the Articles relating to Witchcraft, Blasphemy, Incest, and slaying by Devilish Practice, which were declared by the Privy Council to be "conceived in very uncertain and doubtful terms," etc. *Letter from the Privy Council*, 26 Dec. 1695.

Before the end of the same session, on the 14th December, 1692, the General Court of Massachusetts reinforced their own local law by the substantial re-enactment of the English Statute.

This "Act against Conjuration, Witchcraft, and dealing with Evil and Wicked Spirits," is expressly declared in the preamble to be "for more particular *direction in the Execution of* the Law against Witchcraft." The original Bill is preserved among the Archives in the State House at Boston, with such changes by way of correction as indicate the design of its promoters still more clearly. "For Explanation [or Explication] of the Law against Witchcraft, and more particular direction therein, the execution thereof, and for the better restraining the said offences, and more severely punishing the same," etc. *Mass. Archives.* This phraseology shows conclusively that they had previously been proceeding upon their own or the common law, for if they had been guided by the statute of James I., they needed not to re-enact it, for particular direction, or to increase the severity of punishment.

The fac-simile given in the *Memorial History of Boston*, Vol II., 153, does not indicate this important feature in the original, and the error to which I call attention is reiterated there in the statement that "the witches had been tried without any Colony or Province Law on the subject, and presumably under the English statute of James I." *Ibid.* 154.

Mr. Bancroft, in his exhaustive and most able discussion of this topic, states that the General Court adopted the English law, "*word for word as it stood in the English Statute Book*," but the differences between the original statute and that of Massachusetts are considerable, and characteristic, even when notvery important, which some of them certainly are.[1]

In the enacting clause, "the Governor, Council, and Representatives in General Court assembled" take the place of "the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in parliament assembled."

The denial of "the privilege and benefit of Cleargie and Sanctuarie" to persons convicted, which is a conspicuous feature in the English law is omitted in that of Massachusetts.

"The Markett Town, upon the Market Day, or at such tyme as any Faire shall be kept there," as the place of exposure and confession upon the pillory four times during the year's imprisonment, finds its substitute in "some Shire town" of Massachusetts, where it was also required in addition, that the "offence shall be written in Capital Letters, and placed upon the Breast of the Offender."

A much more important omission was that which excluded the provisions for saving of Dower, Inheritance, Succession, &c., as well as the proviso that "Peers shall be tried by Peers." The want of agreement with the English statute, "whereby the Dower was saved to y^e^ Widow and y^e^ Inheritance to y^e^ heir of y^e^ party convicted" is expressly mentioned in the letter of the Privy Council to the Governor, &c., of the Province, 26th December, 1695, as the reason for its repeal.

Yet The rights of heirs had ~~also~~ been saved in the previous statute of the same session—"*An Act setting forth General Priviledges*"—which provided that they should not be defeated by any forfeitures for crime, except in cases of high treason. This saving applied only to "lands and heritages," so that goods and chattels might be forfeited in cases of felony. This act met a similar fate at the hands of the Privy Council, as being repugnant to the laws of England.

~~Yet~~ The laws of Massachusetts from the beginning had preserved the

---

[1] Mr. Bancroft was evidently misled by Hutchinson, as quoted *ante*, p. 162. The passage in the first edition of the History of the United States, is as follows: "The General Court adopted what King William rejected—the English law, word for word as it stood in the English Statute Book." Edition 1840, iii., 95. As subsequently revised for the centenary edition, it stands "the English law, word for word, as it was enacted by a House of Commons, in which Coke and Bacon were the guiding minds." Edition 1876, ii., 265.

rights of heirs by the entire exemption of lands and heritages from "forfeitures, upon the deaths of parents or Ancestors, be they naturall, casuall or Juditiall." *Body of Liberties*, Art. 10. Under this law of the colony, traitors as well as other felons might dispose of their estates, real and personal, by will, after sentence, and if they died intestate, distribution was made, as in other cases. In 1678, the Attorney General of England objected to this feature of the colonial law as repugnant to the laws of England, to which the General Court replied that they conceived it to be according to their patent; and "its originall, viz' that of East Greenwitch, according unto which, as we conceive, notwithstanding the father's crime, yet the children are to possesse the estate." *Mass. Rec.*, v., 199.

I have thus shown that, whatever may be the estimate placed upon the proceedings of the authorities against alleged witches, the disgrace does not attach to them of having acted without warrant of law. In point of fact a popular devotion to law that was fanatical, was an influence second only to their fidelity to religious conviction, among the moving causes of the witch delusion. *Palfrey*, iv., 130.

Another error has been constantly repeated in the statement that no lawyer was engaged in the proceedings. Gov. Washburn said there was not a lawyer concerned in the proceedings of the court. *Judicial Hist.*, p. 145. And Mr. Chandler in his Criminal Trials followed the Governor somewhat literally. He says—"it was a popular tribunal; there was not a lawyer concerned in its proceedings." *Am. Crim. Trials*, i., 92. And again—"Neither is the common law, nor are its professors responsible for their mistaken proceedings. The special court of Oyer and Terminer was essentially a popular tribunal. There was not a regular lawyer concerned in its proceedings." *Ib.*, 137. Mr. Palfrey confirms this statement of the case: "there were no trained lawyers in the province." *Hist. N. E.*, iv., 120. And the statement has been generally accepted. But it is not true. In the original constitution of the court—on Friday, the 27th May, 1692, Mr. Thomas Newton was appointed to officiate as attorney for and on behalf of their Majesties at the special court of Oyer and Terminer. He took the oath before Stoughton, June 2, in open court at Salem, and continued to act until 26th July, when he was succeeded in that service by Anthony Checkley, who had been previously employed in that office, and who continued in the same position for several years after the witchcraft trials had passed by.

Newton was an Englishman by birth, bred a lawyer, and appears to have come to Boston in 1688, when he is noticed in a contemporary diary as a new-comer and sworn an attorney. Edward Randolph had represented to Mr. Povey of the English Board of Trade a year or two before "the want of two or three honest attorneys, if [there be] any such thing in nature," and Newton probably came under that encouragement. He was Attorney General in New York in 1691, and prosecuted Leisler, Milborne and others in the trials for high treason in that year—

returning to Boston, however, very soon after those trials were over. It is a curious fact never before noticed which thus connects the judicial murders of Leisler and Milborne in New York, with those of the alleged witches at Salem.

It is hardly less remarkable that a brother of the same Milborne, an Anabaptist minister who had been conspicuous in the proceedings against Andros and Randolph, and evidently one of the leaders of the popular party, was arrested and held to bail by the government of Phips, apparently because he had appealed to the Assembly against these very proceedings in the witchcraft cases.[1]

I have not time in this place to give details of the career of Newton as

---

[1] "June 25, 1692. There being laid before his Excellency and Council two papers directed unto the Assembly one of them subscribed by William Milborne of Boston, and several others, containing very high reflections upon the administration of public justice within this their Majesty's Province, the said William Milborne was sent for, and upon examination owned that the said papers were of his writing, and that he subscribed his name to one of them.

"*Ordered* to be committed to prison or give bond of £200 with two sureties to appear at next Superior Court to answer for framing, contriving, writing and publishing the said seditious and scandalous papers or writings, and in the mean time to be of good behaviour." *Council Records.*

The following document is evidently a part of the same proceedings:

"To the Sheriff of the County of Suffolke.

"By his Excellency the Governr.

"These are in their Maties name to will and require you forthwith to take into yor custody the Body of William Milborne of Boston, and to cause him to make his appearance before myselfe and Council to answer what shall bee objected against him on their Maties behalf for writing, framing, contriving and Exhibiting under his hand, with the names of several others, a scandalous and seditious paper containing very high reflections upon their Maties Government of this their Maties Province of the Massachusetts Bay in New England. Inscribed to the Grave and Judicious Members of the General Court for the said Province. Hereof fail not and make Return of this Precept with your doings therein. Given under my hand and seal at Boston the 25th of June, 1692.

WILLIAM PHIPS."

*Mass. Archives.* cvi., 372.

Edward Randolph, writing from the "Common Gaole" in Boston the 29th of May, 1689, says: "Five Ministers of Boston, vizt. Moode, Allen, Young, Mather, Willard and *Milborne, an Anabaptist Minister*, were in the Council Chamber on the eighteenth of Aprill when the Governr [Andros] and myselfe were brought out of the Fort before them, writeing orders, and were authors of some of their printed papers." *N. Y. Coll. MSS.*, iii., 582. And a letter of Colonel Bayard, from Albany, 23d September, 1689, speaks of Jacob Milborne as a "brother to *Milburn the Anabaptist preacher*," etc. *Ib.*, 621. See also Bullivant's Diary in *Proc. M. H. S.*, March, 1878. "The Northend men, headed by Sir William Phips, *Milbourne* and Way, apply to the Deputies for the discharge of Turell and White in execution for a just debt," etc. 18 March, 1689-90.

a lawyer, but his obituary in the "Boston News Letter" of June, 1721, speaks of him as "having been for many years one of the chief lawyers of Boston."

And here I may remark in passing that notwithstanding the extreme sensitiveness of Massachusetts writers of history on this subject—if English law, English judges or English lawyers are to be taken as standards of comparison, I can see no necessity to apologize for those of Massachusetts in that day and generation. "SIMEON AND LEVI ARE BRETHREN; INSTRUMENTS OF CRUELTY ARE IN THEIR HABITATIONS." *Gen.* 49 : 5.

The first conspicuous sign of recovery from this awful delusion and earliest public demonstration of the strong and certain reaction which had slowly set in, was the Fast of 1696–7. A proposition for a Fast and Convocation of Ministers had been made as early as October, 1692, but it did not receive the sanction of the Council.

[Mass. Archives,] xi., 70.

"WHEREAS it hath pleased the MOST HIGH out of Sovereign and holy will, in this Day of Tryall and Adversity, to Exercise his people with sore trouble and Affliction in divers Respects; more Especially in permitting the Grand Enemy of Mankind to prevaile so far, with great Rage, and Serpentine Subtilty; whereby severall persons have been Seduced, and drawn away into that horrid and most Detestable sin of Witchcraft; to the great vexation, and Amazeing affliction of many persons w^ch^ is Notoriously known beyond Expression; And That for the Due derserved punishment of the Nocent, clearing the Reputation, & persons of the Inocent, and by Divine Assistance in the use of meanes to prevent the farther progress and prevailence of those SATANICALL Delutions; a Speciall Comission hath been granted to Certaine Gentlemen of the Council, and thereby a Court Errected by those persons of known Integrity, faithfullness and (according to man) Sufficiency who have Strenuously Endeavored to Discharge their Duty to the utmost of their Power for the finding out and Exterpation of that Diabollicall Evill: so much prevaileing amongst us, But finding (Notwithstanding the Indefatigable Endeavors of those Worthy Gentlemen with others to Suppress that Crying Enormity) the most Astonishing Augmentation and Increase of the Number of Persons Accused, by those Afflicted: many of whom (according to the Judgment of Charity) being persons of good Conversation Godliness and honiesty; And on the Other hand severall persons have Come and Accused themselves before Authority, and by many Circumances, confessed themselves Guilty of that most abominable Wickedness; with divers Other Strang & Unaccountable Occurrances of this Nature through the Rage and malice of Sathan, greatly threatening the utter Ruine and Distruction of this poor Country: if the Lord in his Tender Mercy, doth not Wonderfully Appear for y^e^ Salvation of his People: by Expelling those Dismall Clouds of Darkness, and Discovering the wiles of the Devil, and that mistry of Iniquity that doth so much abound; and by his Gracious guidance, and Divine assistance; Direct his people in the Right way, that those That are guilty may be found out, and brought to Condigne punishment, the Inocent may be Cleared, and our feares and troubles Removed.

"To w^ch^ End, it is humbly PROPOSED by the Representatives now Assembled, That a Generall Day of Humilliation may be Appointed, Sollemnly to Seek the LORD and to Implore his Ayd. That he would be graciously pleased to Shew unto his people What they Ought to doe at

such a time as this; And that A Convocation of the Elders may be called who with the Hon^ble^ Council and Other persons, (whom they in their wisdoms shall deem meet) may Seriously Consider the Premisses; and make Inspection into these Intricacies humbly Enquiring that they may Know the mind of God in this Difficult Case; That so if it be his Blessed Will, all dissatisfaction may be Removed, peace, love, and Unity may be increased and Continued amongst us, and that y^e^ Gracious Presence of Our Blessed God may Remaine with us.

"Octob^r^: 26: 92: This Bill read a first second & third time in y^e^ house of Representatives & voted passed in y^e^ Affirmative & Sent to his Excellency the Gouerno^r^ & Councill, for Consent.

WILLIAM BOND, *Speaker.*

"Endorsed. Read once since returned by y^e^ Committe. Motion for a Convocation 1692."

Chief Justice Sewall's entry in his diary of this date throws some light on this Bill:

"Oct. 26, 1692. A Bill is sent in about calling a Fast, and Convocation of Ministers, that may be led in the right way as to the Witchcrafts. The reason and mañer of doing it, is such, that the Court of Oyer and Terminer count themselves thereby dismissed. 29 Nos and 33 yeas to the Bill. Capt. Bradstreet and Lieut. True, Wm. Huchins and several other interested persons there, in the affirmative."

Hutchinson tells us that:—"The winter of 1696 was as cold as had been known from the first arrival of the English; slays and loaded sleds passing great part of the time upon the ice from Boston as far as Nantasket. Greater losses in the trade had never been known than what were met with in this year; nor was there, at any time after the first year, so great a scarcity of food; nor was grain ever at a higher price." *History of Mass.*, II., 104, note.

The province had long languished under a war with the French and Indians, by which the estates of the people were much exhausted and many led into captivity or slain. Their trade had decayed and their population diminished by emigration to other colonies less exposed to the calamities of war and the burdens of taxation which it imposes. Information of all these disastrous events was the burden of letters to England towards the end of the year 1696.

Under these circumstances a Committee of Religion was chosen by the House of Representatives of Massachusetts in which some of the clergy of the neighborhood were joined with the deputies, who prepared a Declaration enumerating Sundry Evills to be confessed on a Publick Day of Humiliation therein proposed. This is "the Declaration as drawn by the Deputies, with the assistance of the Ministers, but received a Non concurrence," referred to by Robert Calef in his "More Wonders," in his letter to the Ministers, Jan. 12, 1696.

The document is still extant, though unpublished, in the handwriting of Cotton Mather—and is eminently characteristic of the man and the

times. I will read from it only the passage which refers directly to the Salem tragedies:

[From Mass. Archives, xi., 120.]

"Inasmuch as the Holy God, hath been, by Terrible and Various Dispensations of His Providence for many sevens of Years Together, most Evidently Testifying His Displeasure against us; and these Humbling Dispensations of Heaven have proceeded from One Degree of Calamity upon us to another, Wherein God hath vexed us with all Adversity, until at last the Symptoms of an Extreme Desolation Threaten us: A More than Ordinary *Humiliation* of this whole people, accompanied with fervent *Supplications*, and thorough *Reformations*, must bee acknowledged Necessary, to prepare us for o^r^ Deliverance. from o^r^ most unhappy circumstances.

"Tis to bee Confessed, and it hath been often Confessed, That the people of this land in a long Increasing *Apostasy* from that Religious Disposition, that signalized the first planting of these Colonies, and from y^r^ very *Errand unto this wilderness*, have with multiplied provocations to the Almighty, *sinned exceedingly*.

"The Spirit of *This World* hath brought almost an Epidemicall Death upon y^e^ spirit of serious, and powerful Religion.

"The Glorious *Gospel* of the Lord Jesus Christ, here enjoy'd with much plenty as well as purity, hath not been Thankfully, and Fruitfully, Entertained, by those who have been Blessed with the *Joyful Sound*.

"The *Covenant of Grace*, recognized in o^r^ Churches hath been by multitudes not submitted unto; and of them that have made a *profession* of *submission* unto it, very many have not walked according to the sacred obligations thereby laid upon them.

"A Flood of *Excessive Drinking*, w^th^ Incentives thereto hath begun to overwhelm Good Order, in some Townes & Even to Drown civilitie itself.

"Some *English*, by selling of *Strong Drink* unto *Indians*, have not only prejudiced the Designs of Christianitie, but also been the faulty and Bloody occasions of *Death* among them.

"The most unreasonable Impieties of Rash and vain *Swearing*, with Hellish *Cursing*, on the mouths of some, have rendered them *Guilty Sinners*.

"A Vanity in Apparrel, hath been affected by many, whose *Glory hath bin their Shame*.

"The *Lords-Day*, hath been disturbed, with so many profanations, that wee may not wonder, if the land see *no Rest*.

"The Woful Decay of all Good *Family Discipline* hath opened the Flood-gates for evils Innumerable, & almost Irremediable.

"*Wicked* SORCERIES *have been practised in the land; and, in the late inexplicable storms from the Invisible world thereby brought upon us, wee were left, by the Just Hand of Heaven unto those Errors whereby Great Hardships were brought upon Innocent persons, and (wee feare) Guilt incurr'd, which wee have all cause to Bewayl, with much confusion of o^r^ Face before the Lord.*

"It is commonly and credibly Reported, That some, who have belonged unto this country, have committed very Detestable *Pyracies* in other parts of this world.

"The Sins of Uncleanness in many, & y^e^ Grossest Instances, have *Defiled* the land.

"The Joy of Harvest hath too much forgotten y^e^ Glad Service of God. when Hee hath given us, an *Abundance of all Things*.

"Much *Fraud* hath been used in the Dealings of many, and mutual and multiplied *Oppressions*, have made a cry.

"*Magistrates*, *Ministers*, and others that have served the publick have been great Sufferers by their services, and mett with Unrighteous Discouragements.[1]

[Y^t^ Irreverence to Superiors in age & authority & disobedience to parents is too frequent among us. Parents not keeping up their authority in their families, Neglects in the Administration of Justice impartially and duly in Courts of Justice is too Obvious in this Land. Voted, 10^th^ Dec^br^.][2]

"*Falsehood* and *Slander*, hath been continually carrying of *Darts* thro' y^e^ Land.

"And the successive and Amazing Judgments of God, which have come upon us for such things as these, have not Reclaimed us, but wee have gone on still in o^r^ Iniquities.

"For these Causes this whole people is Admonished now to Humble themselves before the Lord with Repeted Acts of Repentance; and particularly, To this purpose, It is *Ordered*, That Thursday be kept as a Day of *HUMILIATION*, by prayer with *FASTING*, before the God of Heaven, in the several Congregations throughout this province; and all Servile labor on y^e^ Day is hereby Inhibited: That so wee may obtain, thro' the Blood of the Lord *JESUS CHRIST*, the Pardon, both of these Iniquities and of whatever other *secret sins the Lord may have sett in the Light of His Countenance*. And, that wee may Implore y^e^ Effusions of y^e^ Spirit of Grace from on High, upon all ranks of men, and especially upon the Rising Generation, whereby o^r^ Turn to God, y^e^ Fire of whose wrath is dreadfully consuming o^r^ young men, may bee accomplished.

"And it is hereby further signified, That it is hoped, the pastors of the churches, will, in their several charges, by private as well as public Applications, Endeavour to prevent all *Growth of Sin*, as they may discern it, in their Vicinities: and y^e^ churches join with their pastors in sharpening the *Ecclesiastical Discipline* against the *Scandals* that may arise among them.

"And all *Civil Officers* are hereby likewise called upon Vigorously to pursue y^e^ execution of y^e^ lawes, from Time to Time, Enacted against all Immoralities; and in their several places, as well to make *Diligent Enquiries* and *Impartial presentments* of all offences against y^e^ said lawes as to *Dispense Justice equally, for no cause forbearing to do their office*, according to the *Oath of God*, w^ch^ is upon them, and unto this end, frequently to have their consultations in their several precincts, *what may bee done by them to suppress any common evils.*

"Finally, All persons are hereby advised seriously to pursue the Designs of a general Conversion unto God, as y^e^ best expedient for y^e^ encouragement of o^r^ Hopes, That Hee who hath shown us great & sore Troubles may Revive us; and not leave us to perish in the convulsions which are now shaking a miserable World.

"In the House of Representatives. Read 10^th^ Decemb^er^. 1696—a first and second time. Voted, and sent up for Concurrance.

PENN TOWNSEND *Speaker.*

"Voted. That the aforesaid Declaration be published in the respec-

---

[1]Compare Calef: *More Wonders of the Invisible World*, p. 92.

[2]This passage in brackets was the "Streamer," etc. referred to by Chief Justice Sewall in his Diary, as having been added to the original "Bill"—not the passage quoted in *Sewall Papers*, I., 439 note.

tive Congregations within the province by the Ministers therein, and further That a proclamation issue from this Court requiring all Justices Constables Grand jury men Tythingmen, and all other civil officers to be faithful in the Execution of their respective offices; And That the Laws setting forth the dutys of the Respective officers afores$^{d}$ be collected and inserted in the body of s$^{d}$ proclamation. And that five hundred of s$^{d}$ Laws and of the s$^{d}$ Declarations be printed.

PENN TOWNSEND *Speaker.*

"Dec$^{r}$. 11. 1696. Read in Council and Voted a non-concurrance.

Is$^{a}$ ADDINGTON *Sec'ry.*"

This Bill, as it was called, on being sent to the Council, met with a prompt negative—the latter body decidedly resenting the movement by the House as an invasion of their prerogative. But after a sharp controversy between the two houses—another document much shorter, originating with the Council, and drawn up by Samuel Sewall, who had been one of the Judges in the Witch Trials—was duly passed—in which a solemn Fast was appointed for the 14th January, 1697.[1]

This paper has been printed and is doubtless familiar to you all. I will not read it here—but I will not hesitate to repeat my humble tribute of admiration for the character of its author. It was at this Fast that Chief Justice Sewall made his public confession of fault and repentance for his part in that bloody Assize of Witches at Salem—a signal example of the genuine old Puritan—a brilliant instance of that magnanimity which submits to just reproof without resentment, and that higher grace which is at once the sign and the blessing of repentance—that real Christian courage which could humiliate itself by confession.

Samuel Sewall's voluntary confession before God and men of his sin in that thing, ought to be cherished as one of the most precious memorials of the history of Massachusetts. That solemn sad figure, handing the confession to his minister "as he passed by" in the meeting-house, "and standing up at the reading of it, and bowing when finished; in the afternoon" of that winter's day, is to me personally more beautiful and glorious than all the heroes of the Magnalia.

[Mass. Archives, XI., 122.]

"By the Hon$^{ble}$ the L$^{t}$. Gov$^{r}$. Council & Assembly of his Maj$^{tys}$ Province of y$^{e}$ Massachusetts Bay in General Court Assembled.

---

[1]Dec. 11. 1696. A Declaration containing Several Articles of Confession and Appointment of a Day of Publick Fast sent up from the House of Representatives with their vote thereon, and that a Proclamation be issued to excite officers to their duty, was read, and Voted in the negative.

A Bill for appointing a Public Fast upon "Thursday the 14th of January next, was Drawn up and voted and sent down." *Council Records*, p. 499.

"Whereas the Anger of God is not yet turned away, but his Hand is still stretched out against his people, in manifold Judgments; particularly in drawing out to such a length the Troubles of Europe, by a perplexing War. And more especially, respecting ourselves in this Province, in that God is pleased still, to go on in diminishing our Substance, cutting short our Harvest; blasting our most promising Undertakings; more ways than one, Unsettling of us; and by his more immediate Hand, snatching away many out of our Embraces by suddain & violent deaths; even at this time, when the Sword is devouring so many; both at home and abroad; and that after many Days of publick and Solemn addressing of Him. And althô, considering the many sins prevailing in the midst of us, we cannot but wonder at the Patience and Mercy moderating these REBUKES; yet we canot but also fear, that there's something still wanting to accompany our Suplications. And doubtless, there are some particular Sins, which God is angry with our Israel for, that have not been duely seen and resented by us, about which God expects to be sought, if ever He turn again our Captivity.

"Wherefore its comand[d] & Apoi't[d] that Thursday the Fourteenth of January next be observed as a Day of Prayer with Fasting throughout this Province; strictly forbidding all Servile Labour thereon. That so all God's people may offer up fervent Supplications unto him for y[e] preservation and prosperity of his Maj[tys] Royal person and Governm[t] and success to attend his Affaires both at home & abroad That all Iniquity may be taken away, which hath stirred God's holy Jealousie against this Land; that he would shew us what we know not, and help us wherein we have done amiss, to doe so no more: And especially, that whatever Mistakes, on either hand, have been fallen into, either by the body of this People, or any Orders of Men, referring to the late Tragedie raised amongst us by Satan and his Instruments, through the awfull Judgment of God; He would humble us therefore, and pardon all the Errors of his Servants and People that desire to Love his Name, and be attoned to His Land. That he would remove the Rod of the Wicked from off the Lot of the Righteous; That He Would bring the American Heathen, and cause them to hear and obey his voice.

"Dec. 11° 1696. Voted in Council and sent down for Concurrance.

Is[a]. ADDINGTON, *Sec'ry.*

"Decemb[r] 17[th] 1696. Voted a Concurrance,

PENN TOWNSEND, *Speaker.*

"I Consent.

W[m]. STOUGHTON."

*Endorsed:* "Bill for a Fast Vot[d] Dec[r] 11[o] 1696."

When this Bill was first sent down to the House, on the 11th December, 1696, a non-concurrence was promptly voted. The Diary of Chief Justice Sewall throws some light upon the details of the business, in which he says: "I doe not know that ever I saw the Council run upon with such a height of Rage before." *Sewall Papers*, I., 441. The following document belongs to this controversy between the two houses to which allusion has been made.

[Mass. Archives, XI., 122.]

Dec[r] 1696, In the House of Representatives. *Resolved*, "That y[e] freedom of speech to debate, so to resolve & vote upon a free debate of

any matters for the publick good of the Province without Consulting, advising or asking direction from the Hon^ble Board Above is the Undoubted Right & Priviledge of this House.

"*Voted*, That seeing the Minits of Council are from time to time to be laid before his Majesty and Council at home, for the preventing any Inconveniency to the Hon^rble Board above, This house shall not be Unwilling (always saving the priviledge of this House) to propose and concert by Message such things as shall be thought necessary in Prudence by this house, before they are brought to a vote.

"That in y^e late choice of a Comittee of Religion by this house y^e receiving their Report in y^e Bill conteining an Enumeration of Sundry Evills to be Confessed on a Publick day of humiliation therein pposed to be ordered & appointed, & voting said Bill in this house and sending it up to y^e Hon^rble Council for their concurr^e. This House

"*Protests*, That these things were not transacted w^th any designe to derogate from y^e Preheminence of that hon^rble Board, or to cast any disrespect thereon.

"That in voting a non concurrence to y^e Bill for a fast sent down to this house from y^e Council, This house did not out of any hum^r of Vyeing w^th that hon^rble Board vote a non-concurrance.

"*Proposed*, That Both Bills for a fast, upon w^ch the late debates have been, may be comited to y^e Reverend Elders of this Town, and that out of both they be desired to draw a Bill for a fast and lay the same before the Court.

"Decemb^r: 15^th 1696. Read a first and Second time.

(Endorsed) "Resolve Vote, &^c."

A careful scrutiny of the original manuscript of the bill adopted revealed its history. When first sent down from the Council, it was immediately underwritten "Decemb^r 11th Voted a Non Concurrance. Penn Townsend, *Speaker*." After the matter was composed, the "11th" was altered to "17th" and the "Non" stricken out.

I have still one more error to point out in the history of Witchcraft in Massachusetts. The statement has been constantly repeated, hitherto without correction, that some years after these melancholy trials, the General Court of Massachusetts passed an act reversing "the several convictions, judgments and attainders against the persons executed and several who were condemned, but not executed." An act of this sort has actually been printed and has found place and authority among recognized materials of history: but no such act ever became a law.[1] A

[1] The act referred to has not only been quoted as authority (UPHAM, II., 465, 479), but published at large in the *Records of Salem Witchcraft*, vol. ii., pp. 216–18. Mr. CHANDLER says: "a law was made reversing the attainders of those convicted, and making a grant for and in consideration of the losses sustained." *Am. Crim. Trials*, i., 135. Mr. POOLE says: "October 17, 1711, the General Court passed an act reversing 'the several convictions, judgments and attainders against the' persons executed, and several who were condemned but not executed, and declaring that [them] to be null and void." *Witchcraft Delusion*, etc. page 43, note 57, and again, in *Memorial History of*

private act of a similar character *was* passed in 1703, with reference to three of the surviving sufferers; and a few years later—sundry appropriations were made from the public treasury in aid of families who had been ruined by this storm; but none were adequate to the occasion—all were scanty and insufficient: and although the subject was revived from time to time during the next half-century, nothing else was done.[1]

It has not been my purpose, in the small collection of historical notes which I have thus had the honor to submit to you, to repeat the often told story of the Salem Witchcraft, or to recall any of the gloomy scenes of suspicion, persecution, prosecution, imprisonment, torture and death: which still glare out from the history of that period like flames from the pit. The main facts are familiar and they will never be forgotten.

Nothing could be more dramatic, full of interest, marked characters and striking situations. Strong as the impression of those scenes must have been on those who lived at the time, no events of American Colonial History have more earnestly engaged the attention of men in later years: and while the events themselves can hardly be said to have been viewed in opposite lights, the characters of those who were actors in them have furnished themes of lasting controversy.

Permit me to introduce here an illustration of this—in extracts from two writers both eminent and both belonging to Massachusetts.

"Next to the fugitives whom Moses led out of Egypt, the little shipload of outcasts who landed at Plymouth two centuries and a half ago are destined to influence the future of the world." This statement is the key-note of a comparatively recent and sympathetic essay on "New England two Centuries ago," by James Russell Lowell. I quote it here simply as an introduction to the same writer's summary of affairs in the latter part of the seventeenth century, when the Witchcraft Delusions of that generation culminated in the Salem tragedies. Mr. LOWELL says: "Till 1660 the Colony was ruled and mostly inhabited by Englishmen closely connected with the party dominant in the mother country, and with their minds broadened by having to deal with questions of state and European policy. After that time they sank rapidly into provincials, narrow in thought, in culture, in creed. Such a pedantic portent as Cotton Mather, would have been impossible in the first generation; he was the natural growth of the third,—the manifest judg-

---

*Boston*, ii., 172: "Twenty years afterwards, when the General Court reversed the attainders of the persons executed in 1692," etc. Mr. PALFREY says: "Twenty years after, the General Court annulled the convictions and attainders, etc." *Hist. N. E.*, iv., 117. And in another place: "All the attainders, twenty-two in number, were reversed, etc."

Mr. SIBLEY says: "The General Court, 17 October, 1710, passed an act that 'the several convictions, judgments and attainders be, and hereby are, reversed and declared to be null and void.'" *Harv. Grad.*, ii., 433. (Printed Dec. 17, 1880, and published since 30 May, 1881.) Other eminent authorities might be cited, but perhaps these will suffice.

[1] See Appendix—*post*.

ment of God on a generation who thought "Words a saving substitute for Things."

From this picture of the younger Mather, turn to that of the elder, drawn by another hand, but not less true to the traditions in which it was trained.

Prof. ENOCH POND, in the "Lives of the Chief Fathers of New England," writing of the Father of Cotton Mather, says:

"Among the stars in the right hand of the great Head of the Church, which glittered upon the Golden Candlesticks of primitive New England, none have shone with a brighter and more attractive lustre than Increase Mather."

These views of the personal character of the Mathers, to whom history has assigned so conspicuous a place in the picture of Witchcraft in Massachusetts, furnish an illustration of the differences which still pervade the discussions of scholars concerning the period of which I have spoken.

The extreme facility of belief that was displayed by these eminent men even in matters that were not deemed supernatural, can only be realized by those who have an intimate acquaintance with their works.[1] Of this, as well the general historical question whether the tendencies of the age, the general spiritual movement and agitation of opinion in Massachusetts, had produced an exceptional amount of credulity during the half century or more before the occurrences at Salem in 1692—it is no part of my present purpose to enter into discussion.

Out of differences such as those to which I have alluded and the collision of critical judgments respecting men and events, the truth of history is ultimately to be developed.

But as it is the essence of history to be true, the judicious student of its records will always be justified in every faithful attempt to correct errors, and to apply the strict principles of historical criticism to every doubtful passage. Doubtless there may be some to whose minds (as Lord Bacon happily expressed it) "the mixture of a lie doth ever add pleasure." "It is not only the difficulty and labour which men take in finding out of truth; nor again that when it is found, it imposeth upon men's thoughts, that doth bring lies in favour; but a naturall, though corrupt love of the lie itself." But such as these do not belong to the School of History in our day. "There is nothing more modern than the critical spirit which dwells upon the difference between the minds of

---

[1] Both the Mathers were ambitious of distinction as authorities on the subject of witchcraft, and proud of the recognition of Baxter and others. See the letter of Cradock to Increase Mather in the postscript to *Cases of Conscience*, London: 1690. I have myself read in the handwriting of Cotton Mather his own record of an interview with an angel of God. It was written in Latin in one of his Diaries with the following remarkable marginal note, giving the reason for his veiling it in the obscurity of a learned language—"*Hæc scribo Latiné, ne chara mea conjux, has chartas aliquando inspiciens, intelligat*"!

men in one age and another; which endeavours to make each age its own interpreter, and judge what it did or produced by a relative standard."

Many are the errors produced by the want of this historical feeling and leading to an entire misunderstanding of the nature of events. We may be keenly sensible of the strange contrasts in human nature, as we endeavor to scrutinize the motives of the chief actors, the natural leaders of the people and councillors of the government; and it is easy for us who read the history of that day in the light of those which have followed it, to perceive that these men erred: but we should hesitate before judging the actors of 1692 as we would judge our contemporaries.

---

## APPENDIX.

ANNO R R$^{æ}$ ANNÆ ANGLIE &C. SECUNDO.

PROVINCE OF THE
MASSACHUSETTS BAY.

AN ACT FOR ATTAINDER OF ABIGAIL } L. S. { REVERSING THE FAULKNER & OTHERS.

WHEREAS Abigail Faulkner, wife of Francis Faulkner of Andover in the County of Essex, Sarah Wardel Wife of Samuel Wardel of the same place, Elizabeth Procter, Wife of John Procter of Salem Village within the said County. In the Court of Oyer and Terminer and Goal Delivery holden at Salem Village within the said County of Essex in the year One Thousand Six hundred ninety two, were arraigned convicted and attainted of Felony for practising Witchcraft, who have now humbly petitioned this Court, That the said Attainders may be set aside and made void.—

Wherefore *be it Declared & Enacted by his Excellency the Governour Council and Representatives in General Court Assembled, and by the Authority of the same,*—

That the said Several convictions, Judgements and Attainders of the said Abigail Faulkner, Sarah Wardel, Elizabeth Procter and every of them be, and are repealed, reversed, made and declared null and void to all intents, constructions and purposes whatsoever; as if no such convictions, Judgements or Attainders had ever been had or given. And that no Corruption of blood, pains, penalties or Forfeitures of Goods or Chattels be by the said convictions and Attainders or any of them incurred. But that the said persons and every of them be and hereby are reinstated in their just Credit and reputation Any Law, usage or custom to the contrary notwithstanding

Boston July the 26$^{th}$ 1703. This Bill haveing been read three several times in the House of Representatives—Pass'd to be Enacted

JAM$^{s}$. CONVERSE *Speaker,*—

This Bill having been read three several times in Council, Pass'd to be Enacted July 27$^{th}$ IS$^{a}$. ADDINGTON *Sec'ry.*—

Die prædict. By his Excellency the Governour
I Consent to the Enacting of this Bill
J. DUDLEY.

The foregoing act had a curious history, which will appear in part from the document which follows—reproduced from the original.

[Mass. Archives, CXXXV., 122-123.]

*In the House of Representatives*, July 20th, 1703

In answer to the petitions of Abigail Faulkner, and sundry of the Inhabitants of Andover, in the behalf of sundry persons in and late of s[d] Town, & elsewhere, who in the year 1692 were Indicted, accused, and Condemned, & many of them executed for the crime of Felany by witchcraft. And whereas it is Conceived by many worthy and pious Persons that the Evidence given against [many of] the s[d] Condemned persons was weak and insufficient, as to Taking away the lives of sundry so condemned, &c.[a] Wherefore it is thought meet and it is hereby

*Ordered*, That a Bill be drawn up for Preventing the like Procedure for the future, and that no Spectre Evidence may be hereafter accounted valid, or sufficient to take away the life or good name of any Person or Persons within this Province, and that the Infamy, and Reproach, cast on the names, and Posterity of the s[d] accused, and condemned Persons may in some measure be Roll'd away.

Sent up for concurrence

JAM[s]. CONVERSE, *Speaker.*

*(Endorsed)* Order for bringing in a bill to reverse the attainder of Abig[a]. Faulkner, &c[a] of witchcraft.

The document thus sent to the Council did not receive its sanction without some modifications. The words "many of" inserted above in brackets appear as an addition to the original written in the margin by the Secretary of the Council—Addington: and instead of the resolution "ordered" etc. in the paper as it emanated from the House, the following was substituted, appearing in the handwriting of Governor Dudley himself, on a separate paper, viz.:

*Ordered*, "That a bill be brought in to acquit Mary *(sic)* Falkner and the other present petitioners severally of the penaltys to which they are lyable upon the said Convictions and Judgments in the said Courts and Estate them in their just Credit and reputation as if no such Judgment had been had.

"In Council, July 21[th], 1703, agreed to. Die pdict. Agreed to."

The records indicate that this action originated with the Council, but this document shows that it was founded on the previous motion of the House. The latter branch agreed to the order of the Council on the same day, 21 July, 1703, and the bill was read a first and second time on the 22d, and on the 23d a third time and passed and sent down for concurrence. On the 27th, the Engrossed Bill for reversing the Attainders, &[c]. passed in the House of Representatives, was read and agreed to be enacted. *Council Records.*

This private act was the only law of the kind which can be found in all the legislation of Massachusetts.

A few years later, the "cry of the oppressed" seems to have reached the ears of those in authority. Numerous petitions were sent in and in a sermon before the General Assembly, Nov. 3d, 1709, Cotton Mather himself delivered the following remarkable utterances:

"In two or three too Memorable *Days of Temptation* that have been upon us, there have been Errors committed. You are always ready to Declare unto all the World, *That you Disapprove those Errors.* You are willing to inform all Mankind with your DECLARATIONS:

*That no man may be Persecuted, because he is Conscienciously not of the same Religious Opinions, with those that are uppermost.*

And; *That Persons are not to be judg'd confederates with Evil Spirits, meerly because the Evil Spirits do make Possessed People cry out upon them.*

Could any thing be proposed further, by way of *Reparation*, [Besides the General Day of *Humiliation*, which was appointed and observed thro' the Province, to bewayl the Errors of our Dark time, some years ago:] You would be willing to hearken to it."

The following document shows what was done, in the following year, etc.

[Mass. Archives: CXXXV. 169.]

## *To y^e^ Hon^r^d Gen^rll^ Court Sitting.*

WE whose names are subscribed, In Obedience to yo^r^ Hon^rs^ Act at a Court held y^e^ vlt of May 1710: for our Inserting y^e^ Names of y^e^ seuerall psons who were Condemned for witchcraft in y^e^ year 1692. & of y^e^ damages they susteined by their prosecution.

Being mett at Salem y^e^ 13^th^ Sep^t^. 1710. for y^e^ Ends aforesaid upon Examination of y^e^ Records of y^e^ seuerall psons Condemned: Humbly offer to yo^r^ Hon^rs^. the Names as Follow to be Inserted for y^e^ Reuersing of their Attainders:

| | |
|---|---|
| Executed | Elizabeth How[T]; Georg Jacob[S], Mary Easty[T], Mary Parker[A], M^r^ George Burroughs[W]: Giles Core[S] & his wife, Rebeccah Nurse[S]. John Willard[S]. Sarah Good[S]. Martha Carrier[A], Samuell Wardell[S]. John Procter[T]: Sarah Wild |
| Condemned & not Executed | M^rs^ Mary Bradbury[S]. Abigail Falknor[A]. Abigail Hobs[T]. Ann Foster[A]. Rebeccah Eams[A], Dorcas Hoar[B]. Mary Post[A] Mary Lacey[A].[1] |

And haueing heard y^e^ Seuerall Demaunds of y^e^ Damages of y^e^ afores^d^ psons & those in their behalf: & upon Conference haue soe Moderated their Respectiue demaunds y^t^ we doubt not but y^t^ they will be Readily Comply^d^ w^th^ by yo^r^ Hon^rs^ which Respectiue demaunds are as follow. Elizabeth How 12£ Georg Jacob. 79£. Mary Easty. 20£. Mary Parker. 8£. M^r^ Georg Burroughs. 50£. Giles Core. & Martha Core his wife 21£ Rebeccah Nurse 25£. John Willard 20£. Sarah Good. 30£ Martha Carrier. 7£ 6s. Samuell Wardell & Sarah his wife 36£ 15^s^. John Procter, & Procter his wife 150£ Sarah Wild. 14£. M^rs^ Mary Bradbury, 20£ Abigail Falkner 20£ Abigail Hobs. 10£. Ann Foster. 6£. 10^s^. Rebecca

---

[1]The letters above lines appear to refer to towns where the persons belonged: T, Topsfield; S, Salem, and one Salisbury; A, Andover; W, Wells; B, Beverly.

Eams. 10£ Dorcas Hoar, 21£ 17ˢ. Mary Post. 8£ 14ˢ. Mary Lacey. 8£ 10ˢ the whole amounting unto. 578£ 12ˢ

Yoʳ Honʳs most Humble Servᵗˢ

JOHN APPLETON
THOMAS NOYES
JOHN BURRILL
NEH: JEWETT

Octoʳ. 23: 1711 Read. and accepted in the House of Representatives Sent up for Concurrence

JOHN BURRILL *Speaker*

Octᵒ 26, 1711

In Council Read and Concurred

Isᵃ: ADDINGTON *Secr'y*

[On same paper, but stricken out.]

| Yʳ Accoᵗ of yoʳ Seruants. Charges | £ |
|---|---|
| 3 dayes a peic ouʳ selues & horses . . . . . | 4.0.0 |
| Entertainment at Salem, Mʳ Pratts: . . . . . | 1-3-0 |
| Majoʳ Sewals attendance & sending notifications to all concerned . . . . . | 1-0-0 |
| | 6-3 |

From this document it appears that a Committee was appointed early in 1710 on the subject. They met at Salem in September of that year and concluded their labors after a session of three days. Their report was not made to the same General Court by which they were appointed, but that of the next political year; when it was read and accepted in the House of Representatives, sent up and concurred in by the Council. No law was enacted in either of those years in accordance with the ideas suggested, and although some payments of money appear to have been made to various parties interested—it will hardly be maintained that judgments of attainder could be reversed by the simple acceptance of the report of a Committee by any legislative body or bodies whatever.

The subsequent action of the legislature is indicated by the following collections from their journals which I have made with great care.

LEGISLATIVE PROCEEDINGS, ETC.

1717. 20 June. A Petition of *Philip English* of *Salem*, praying Consideration and allowance for a great part of his Estate, taken from him (as was said) by lawful authority in the late sorrowful time of the Witchcraft. Sent down from the Board. Read there. Read.

1717. 20 November. A Petition of *Philip English*, praying as entered the 20ᵗʰ of June last, Read again, and *Ordered*, That Mr. Speaker Burril,

Mr. Isaiah Tay and Jonathan Remington, Esqrs; with such as the Honourable Board shall appoint, be a Committee to consider of the said Petition and all the Papers relating thereto, and report what they think proper to be done in answer thereto, to this Court at their next Session. Sent up for Concurrence.

1718. 7th February. The Petition of *Philip English* which was pass'd upon in this House the 20th of November last. Sent down from the Board pass'd on there, viz: In Council, Feb. 7, 1717. Ordered, That the Committee be continued, and that they make report as above at the Session of this Court in May next. Sent down for Concurrence. Read and Concurred.

1718. July 3. The Petition of *Philip English* pass'd upon in this House the 7th of February last. Sent down from the Board pass'd on there, viz: In Council, *July* 3, 1718. Ordered that the Committee on this Petition be continued, and that they make Report to this Court at their Session in Autumn next. Sent down for Concurrence. Read and Concurred.

1718. November 8. The Report of the Committee of both Houses, continued the 3d of July last, on the Petition of *Philip English*. Sent down from the Board pass'd on there, and is as follows, viz. In obedience to the Order within mentioned, having had several Meetings on the Affair at which the Petitioner, and sundry Evidences have given their Attendance, & were heard & Examined, and the Petition, & the Papers relating thereto with the Representation of the Damage & Loss being duly consider'd, the Committee are humbly of Opinion, It is reasonable upon the whole that the Petitioner be allowed & paid out of the Publick Treasury Two Hundred Pounds in full Satisfaction for what he may have sustained and suffered as set forth in his Petition, Account & Papers, which is humbly submitted by *Thomas Fitch per* Order of the Committee. In Council, *Novemb.* 8th, 1718. Read & Accepted. Sent down for Concurrence.

1718. November 10. The Report of the Committee on the Petition of *Philip English*, entered the 8th Currant. Read again. And *Voted* a Concurrence with the Board thereon.

1718. November 11. An Accompt of the Expenses of the Committee on Mr. *Philip English's* Affair, amounting to 1l 12s 2d laid before the House for allowance.

*Resolved*, that the Sum of Thirty Two Shillings and Two Pence be allowed and paid out of the Publick Treasury, to the Honourable *Thomas Fitch*, Esq; Chair-man of the said Committee, to Discharge the said Accompt. Sent up for Concurrence.

June 27. 1723. "A Petition of *Thomas Rich* of *Salem*, only Surviving Child of *Martha Corey*, alias *Martha Rich* of *Salem* deceased, praying the Compassionate Consideration and Commisseration of this Court for the great Losses the Petitioner met with in the Year 1692, for the Reasons in said Petition at large Enumerated, &c. Read, and Committed to the Committee for Petitions

And *Ordered*, That Capt. *Epes* be added to the Committee for the Consideration of this Petition."

June 29. 1723. "On the Petition of *Thomas Rich*, The Committee reported, That in consideration of the Loss the Petitioner might sustain by being deprived of the Goods mentioned in the Petition together with the many Illegal Actions of the Sheriff and his Officers respecting the Persons charged as Witches, They are humbly of Opinion That the Sum of £50 be allowed and paid out of the Publick Treasury to the Petitioner *Thomas Rich*, in full Recompence of what Damage might accrue to him thereby.

Read and accepted. And accordingly, *Resolved*, That the Sum of *Fifty*

*Pounds* be allowed and paid out of the Publick Treasury to the Petitioner *Thomas Rich*, in full satisfaction for the Losses he may have sustained as at large set forth in the Petition.

Sent up for Concurrence."

The next sharp reminder of their neglected duty came from the pulpit.

Rev. ISRAEL LORING, Pastor of a Church in Sudbury, in his *Election Sermon*, May 25th, 1737, on the Duty of an Apostatizing People to remember from whence they are fallen, and repent, and do their first Works, revived the subject with boldness and vigor. Setting forth ways and means by which civil rulers may set forward the work of reformation among a people and promote the Interest of Religion, after referring to a growing neglect of public worship and increasing sin of drunkenness, he proceeds:—

"There is one Thing more which I would recommend to the serious Consideration of this Great and General Court; and that is, Whether there is not a great Duty lying upon us, respecting the Transactions of the Year 1692, when not only many Persons were taken off by the Hand of publick Justice for the supposed crime of Witchcraft; but their Estates also ruined, and their Families impoverished. None dispute the Integrity of those, who were then concerned to act and judge most in those matters. But it was a dark Day with them; they walk'd in the Clouds, and could not clearly see their way, as to the Mystery of Iniquity then working. All orders of Persons have since seen Reason to condemn the Rules of the whole Process as fallacious and insufficient to distinguish the Guilty from the Innocent.[1]

What the Sense even of our Predecessors, and those who were then upon the Stage of Action was, in relation to this Affair, may be in some measure learned from a Proclamation for a General Fast, emitted *Decemb.* 17. 1696, four Years after; in which is contained this Direction for publick Prayers, *viz.* 'that God would shew us what we know not, and help us wherein we have done amiss, to do so no more: And especially that whatever Mistakes on either Hand have been fallen into, either by the body of this People, or any order of Men, referring to the late Tragedy raised by Satan and his Instruments, thro' the awful Judgments of God: He would humble us therefor, and pardon all the Errors of his Servants and People that desire to love his Name; and be atoned to his Land.'

"Now tho' the loss of Parents cannot be made up to their surviving Posterity, yet their Estates may; And the Question is (if it be not beyond all Question) whether a Restitution is not due from the Publick to them, and we are not bound in Justice to make it. Hereby Infamy may be taken off from the Names and Memory of such as were Executed, and who it may be did not in the least deserve it; as well as a Reparation made to their children for the Injuries done them; who remain to this Day among us in mean, low and abject circumstances. It is now something more than forty Years since these sad Things were done among us; but length of time is no Argument that God is not at this Day, among other Things, contending with us for these; since he punished *Israel* with Famine three Years for a Sin of misguided zeal committed forty Years before that, 2 *Sam.* xxi. 1, 2." *sermon, etc., pp.* 51–53.

---

"[1]See the Rev. Mr. HALE's accurate and judicious Discourse concerning Witchcraft; shewing how Persons guilty of that Crime may be convicted; and in which the Means used for their discovery are discussed both negatively and affirmatively, according to Scripture and Experience."

Although the earnest words and suggestions of this pious clergyman do not appear to have aroused any active sympathy in the legislature whose members he addressed—a movement was set on foot in the following year, when a Committee of the House of Representatives was appointed—whose origin appears in the subjoined letter, and its enclosure :[1]

The land-fever was perhaps at its height in that period of Massachusetts history, and "granting a township" the most natural expression which the legislature could give of justice or gratitude or both.

There is a singular coincidence to be noted here in considering the action of the legislature, and the movements of those who had influence with the authorities. The proposition to make restitution to the victims of Witchcraft was instantly followed by an effort to reward the Mather family; and it is difficult to avoid the reflection that the partisans of that family may have been stimulated to action by the proposal to do some justice, though late, to the memories of the sufferers, and to gratify their descendants by a substantial recognition. Certainly the names of the Mathers have been at all times inseparably connected with the history of the Witchcraft Delusions of Massachusetts.

---

[1] This letter was found by WILLIAM P. UPHAM, Esq., of Salem, among some miscellaneous papers filed with the Town Records of that City. John Higginson was Town Clerk in 1738. Major Samuel Sewall and Mitchell Sewall were sons of Stephen Sewall, Clerk of the Courts in the Witchcraft trials.

Boston Dec. 9, 1738.

Gent[n].

Inclosed is a vote of ye house passed yesterday I think unanimously relating to ye Dark affair in 1692, they being very desirous of making restitution by Granting a Township or paying in money—& I am directed by ye Comittee to desire you two Gentlemen would immediately look over those Records & give us an Acc[t]. who was ye Sufferers & by inquiring also who has Rec[d]. any money particularly how much Mr. English has Rec[d]. & whether considerable yet due to his heirs. We pray you would be speedy & earnest in your inquiries & give us an acc[t]. as soon as possible because we would fain have something done before ye Court rises—You will be not only doing a great good but very much oblige ye whole Court & particularly

Yo[r]. humb. Serv[t].

SAM[l]. SEWALL

*By order of ye Comittee.*

Mitchel Sewall & Jn[o]. Higginson } Eq[rs]. [Salem.]

[*Enclosure:*] *In the House of Rep[ves]* Dec[r]. 8, 1738.

On a motion made and seconded by divers Members Ordered that Maj.[r] Sewall, Mr. Fairfield, Mr. Norton and Mr. Danforth be a Com[tee] to get the best Information they can into the circumstances of the persons & families who suffered in the Calamity of the times in & about the year 1692, and have not received any Restitution or Reparation for their Losses & Misfortunes; that the Comittee lay the same before the Court as soon as may be.

1738, December 12. A Memorial and Petition of the Reverend Mr. *Samuel Mather* of *Boston*, Clerk, setting forth the publick and eminent Services of his venerable and honoured Grandfather and Father in the Cause and Interest of the Province in many Instances and on Divers Occasions, as particularly therein enumerated, both in civil and religious respects, praying this Court would please to make him an allowance for the said Services, that so he the Memorialist may be excited and encouraged to Apologize for the Liberties of New England, and thereby will arise some standing and perpetual Memorial of the good deeds of his worthy Ancestors, and the Gratitude of their Country for them. Read and *Ordered*, that the Petition be considered on Friday the 15th current.

December 20. The Petition was read again with another Petition of sundry others of the Descendants of the Petitioner's Grandfather presented the last Session, and *Ordered*, that *John Read* and *Richard Saltonstail*, Esqs. and Mr. *Sumner*, be a Committee to inquire into the Facts and Services therein mentioned, and Report what in their Opinion may be proper for the Court to do therein.

December 29. *John Read*, Esq. from the Committee appointed the 20th current on the Petition of the Rev. Mr. Samuel Mather, made the following Report: viz:

The Committee upon the Petition of the Reverend Mr. Samuel Mather, considering that the Reverend Dr. Increase Mather not only served his particular Church as their Minister faithfully and the College as their President with Honour, but the Province as an Agent in procuring the present Charter, to the good acceptance of his Country; and that his Son the Rev. Dr. Cotton Mather and grandson the Petitioner his successor in the same Church and Ministry have not behaved themselves unworthy of such an Ancestor, and have never had one Foot of Land granted to either of them as we can learn, are therefore of Opinion that notwithstanding the Gratification of two hundred pounds given him as alledged it may be proper for this Court to grant a Farm of five hundred Acres of the unappropriated Lands of this Province to the Heirs of the said Dr. *Increase Mather*, as a Memorial of his personal Worth and publick Services, and report accordingly; which was read and the Question was put, *Whether the Report be accepted?* It passed in the Negative, and *Ordered*, that the Petition lie on the table.

1739, 22 June. A Petition of the Rev. Mr. *Samuel Mather*, praying the Consideration of the Court on Account of the public and extraordinary Services of his Ancestors, as entered the 12th and 20th of December last; and a Petition of *Maria Fifield*, *Elizabeth Byles*, and others, Heirs of Dr. *Increase Mather*, praying the Consideration of the Court on account of their Father's publick Services.

Read, and the question was put, *Whether the Petitions shall be committed?* It passed in the Negative.

Then the Question was put, *Whether any Grant shall be made the Petitioners?* It passed in the Negative, and *Ordered*, That the Petitions be dismissed.

1738–9. January 26. "*Ordered*, that *Benjamin Browne*, Esq. and Captain *Timothy Johnson*, be added to the Committee appointed the sixth current,[1] to get the best Information they could into the circumstances of the Persons and Families who suffered in the Calamity of the Times in and about 1692, and have not received any Restitution or Reparation for their Losses and Misfortunes."

1739. June 30. On a motion made and seconded by divers members,

---

[1] I have found no such proceeding at that date: perhaps this date was an error, as the committee was appointed on the 8th December.

*Ordered*, That the Committee to consider the Case of the Sufferers in the troublesome Times *Anno* 1692, be allowed till the next Fall Session to report thereon.

1739–40. January 5. The Committee appointed by the House of Representatives to inquire and get the best Information they could into the Circumstances of the Persons and Families who suffered in the Calamity of the Times in or about the Year *sixteen Hundred Ninety two*, and have not received any Restitution or Reparation for their Losses and Misfortunes, &c. reported thereon.

Read and *Ordered*, That the Consideration thereof be referred to the next *May* Session, that the Committee may more fully inform themselves concerning that Affair.

The matter does not seem to have been taken up at the May session, but at the third session of the same Legislature, Governor Belcher devoted a paragraph of his Speech to it, and added (for the first time) a reference to the sufferings of the Quakers as entitling them also to consideration in the way of Reparation and Restitution.

Sabbati Die 22 Novembris, A. D. 1740. His Excellency's SPEECH was read, and is as follows, viz.

*(Extract.)* "This Legislature have often honoured themselves in a kind and generous Remembrance of such Families, and of the Posterities of such as have been sufferers, either in their Persons or Estates, for, or by the Government, of which the publick Records will give you many Instances; I should therefore be glad, there might be a Committee appointed by this Court, to inquire into the Sufferings of the People called *Quakers*, in the early Days of this Country, as also, into the Descendants of such Families, as were in a manner ruined, in the mistaken Management of the terrible Affair, called *Witchcraft:* I really think, there is something incumbent on this Government to be done, for retrieving the Estates, and Reputations of the Posterities of the unhappy Families, that so suffered, and the doing it (tho' so long afterwards) would, doubtless, be acceptable to Almighty GOD, and would reflect Honour upon the present Legislature.

OLDMIXON, in the preface to the 2d. Edn. (1741) of his *British Empire in America*, refers to this subject as follows:

"The great *Foible* of the *New England* History is the Story of the Witches, which Mr. Neal has in no manner countenanced; and *New-England* must be no more charged with it, since the Assembly there have now under Consideration, by the recommendation of Governor *Belcher*, the Means of giving Satisfaction to the Posterity of the Sufferers, by a Mistake, as it is called; as also to those of the Quakers, Fellow Sufferers by a Mistake alike fatal. This proceeding of Governor Belcher and the Assembly has set the Reputation of this Colony right, in the Opinion of all good *Britons* and good Protestants." p. ix.

1740. December 5th. *Voted*, that Col. *Brown*, Mr. *Fairfield* and Capt. Johnson, with such as shall be joined by the Honorable Board, be a Committee to consider that Paragraph in his Excellency's SPEECH, relating to the People called Quakers and the Affair called *Witchcraft*, and report what they judge proper for this Court to do thereon. Sent up for concurrence.

1741. April 25. *John Jeffries*, Esq. brought down a vote of Council, viz: In Council, April 25th, 1741, *Voted*, That the Committee appointed the fifth of December last, to consider of that paragraph of His

Excellency's Speech relating to the *Quakers*, and the affair called *Witchcraft*, do make their report at the next *May* Session. Sent down for Concurrence. Read and Concur'd.

1741. July 28. *Voted*, That Mr. *Cushing*, Mr. *Fairfield*. Major *Osgood*, Capt. *Cheevers*, and Capt. *Lawton*, with such as shall be joined by the Honorable Board, be a Committee to enquire who were formerly Sufferers as *Quakers*, or on Account of *Witchcraft*, and what Satisfaction has been made by this Court to such Sufferers, and report what in their Judgment may be proper to do thereon. Sent up for Concurrence.

1743. 1,t June. *Voted*, That Capt. *Choate*, Mr. *Gardner*, and Col. *Epes*, with such as the Honorable Board shall appoint, be a Committee to inquire who were formerly Sufferers, as *Quakers*, or on Account of *Witchcraft;* and what satisfaction has been made by this Court to such Sufferers; and report what in their Judgment may be proper to do thereon. Sent up for Concurrence.

1749. June 17. A Memorial of *Thomas Newman*, *Abia Holbrook*, Jun. and *Elias Thomas*, Agents for their respective Relatives, the surviving Children and Grand-Children of *George Burroughs*, formerly of *Falmouth*, in the County of *York*, Clerk, deceased; representing the unparallel'd Persecutions and Sufferings of their said Ancestor, and praying some Recompence for the great Losses sustained in that unhappy Affair.

Read and *Ordered*, That Mr. Speaker, [*Joseph Dwight*, Esq.] Mr. *Hubbard*, Col. *Choate*, Mr. *Daniel Pierce*, and *Thomas Foster*, Esq. with such as the Honourable Board shall join, be a Committee to take the case of the Memorialists under Consideration, and report what they judge proper for this Court to do thereon. Sent up for Concurrence.

"In Council, Read & Concurred & Samuel Danforth, John Quincy, Ezekiel Cheever, & John Otis, Esq^rs are joined in the affair."

[Mass. Archives, CXXXV., 172.]

To His Honour SPENCER PHIPPS Esq^re. Lieutenant Governor and Commander in Chief in and over his Majesty's Province of the Massachusetts Bay in New England, and to the Honourable the Council and the Honourable the House of Representatives in General Court assembled.

The Memorial of THOMAS NEWMAN, ABIA HOLBROOK and ELIAS THOMAS agents for their respective relatives, the surviving children and Grandchildren of George Burroughs formerly of Falmouth in the County of York and province aforesaid, Clerk, deceased. As a Supplement to the prayer of their Memorial and petition humbly presented to His Excellency Governor Shirley and the Honourable His Majesty's Council, and this Honourable House of Representatives, on the thirty first day of May last.

Most humbly suggesteth:

That their said Memorial and petition setting forth the awful and miserable condition of the unhappy children and descendants of the Reverend M^r. George Burroughs who as therein set forth had his blood shed, and was one of the most deplorable victims cut off in the fatal catastrophe in the year 1692.—Was by the Honourable Court referred to the Consideration of a Committee of both Houses in June last to report what might be proper for the Court to act thereupon, but so it seems it hath fell out that the Honourable M^r. Danforth Chairman of the said Committee hath not as yet called them together so much as once to act thereon even to this day, as some of the Honourable Committee themselves were pleased with real concern to signify to your said petitioners.

Your Memorialists therefore most humbly supplicate (they having been put to great expense already) that their said Memorial and petition may be again brought forward, Read and Acted upon before the final

Rising of this Court, that so a stop may be put to the cry of the long oppressed sufferers.

And your Memorialists as in Duty bound shall ever pray &c.

THOMAS NEWMAN
ABIA HOLBROOK JUN.r
ELIAS THOMAS

*Boston March* 28. 1750.

In the House of Representatives March 28, 1750. Read and ordered that the Committee within referred to, be directed to sit forthwith, consider the petition to them committed and report as soon as may be.

Sent up for concurrence

THOMAS HUBBARD Spkr *pro Tempore.*

The entry on the Journal of the House is varied in its mode of expression, as follows:

1750. March 28. "*Ordered*, That the Committee of both Houses appointed in *June* last, to consider the Petition of *Thomas Newman* and others, be directed to sit forthwith, and report as soon as may be. Sent up for Concurrence."

On the next day, March 29, 1750, it was further "*Ordered*, That Major *Lawrence* and *Nathanael Oliver*, Esqrs; be of the Committee on the Petition of *Thomas Newman* and others, in the Room of *Joseph Dwight* and *John Choate*, Esqrs. who are absent."

But nothing was done and "the cry of the long oppressed Sufferers" seems to have been stifled: at any rate it was heard no more in the high places of legislation.